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ABSTRACT

A bibliography of 1,187 publications and court cases concerning employment of college faculty, as well as health professionals, is presented. Most of the publications cover the years 1982-1985. The faculty section covers the following topics: academic freedom, accountability, administration, affirmative action, arbitration and mediation, collective bargaining, community colleges, contracts, department heads, discipline and dismissal, discrimination, due process, elections, evaluation, excellence, faculty attitudes, faculty organizations, fiscal issues, fringe benefits, governance, grievance procedures, legal issues, legislation, academic librarians, National Labor Relations Board (NLRB), part-time faculty, personnel administration, quality of worklife, retirement, retrenchment, students, strikes, salaries, tenure, women faculty, workload, and the Yeshiva University case. The bibliography for related professions covers the health care institution and administration, dental/medical school faculty, nurses, and physicians. Also covered are state and federal court cases, U.S. Supreme Court decisions, and NLRB decisions. Directories, bibliographies, resources, periodicals, and information sources are listed. Indices of subject, author, and court cases and administrative orders are included. (SW)

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Collective Bargaining in Higher Education and the Professions

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INTRODUCTION

The annual Bibliography continues to be recognized as an outstanding source of research material available in the field of collective bargaining in higher education and the professions. As the dimensions of unionized employment relationships undergoes changes, so do the various topics included in this project. The focus of this volume goes beyond employment relations and concentrates on the broader issues of employment per se. We believe that the Bibliography, while directed primarily to researchers, scholars and practitioners in the field, serves a far broader purpose inasmuch as it represents a compilation and "statement for the record" of those issues that are of concern to those who write and conduct research in this field. A subject matter analysis of the Bibliography documents those topics that were deemed significant during the time period covered by this volume.

With the vast amount of increased technology available to the researcher, the complexities of this project have changed. To a large extent, searches were conducted of library collections, computer data bases, and other sources. However, much of the painstaking research needed to compile a volume of this type was still done the "old fashioned way" by our researchers who poured through volumes of journals, bibliographies, fugitive documents and other reference collections not indexed in the computer data bases. Thus, in order to ensure the continuous state of the art, our researchers must rely on both traditional research skills and the latest technology to ensure full coverage.

The Center remains a neutral, impartial research organization serving as a clearinghouse and forum for those engaged in collective bargaining in higher education and the professions. This book is an integral part of our publication schedule which also includes the annual Directory, Proceedings of the Annual Conference, newsletters, and selected monographs.

This volume marks the introduction of two new researchers to this project. Beth Hillman, our Administrative Coordinator, and an accomplished researcher in her own right, and Mary Donovan, a Librarian on the faculty at Baruch College, combined their expertise in order to facilitate this project. Assisting them was Michael Blumenthal, a researcher at the Center whose primary responsibility was that of court and administrative agency decisions and case law. The overall preparation of this volume was done by, and coordinated by Ruby N. Hill, our Administrative Assistant. As usual, her work in this field was outstanding; the final product stands as proof.

While we believe that this publication is accurate with respect to citations, titles and other bibliogrpahic information, we apologize for any errors or omissions which might have occurred. As always, we would appreciate feedback from you, the reader, and are appreciative of comments in this area. Once again, as we have said on so many occasions, this project is a team project. To those who have taken part in contributing to its success, I deeply acknowledge your efforts.

Joel M. Douglas
Director

PART I

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PART III

COURT CASES AND ADMINISTRATIVE ORDERS

The court cases cited are a compilation of what we believe to be the more significant decisions adjudicated by the state and federal courts during 1985 in the area of higher education employment relationships. Additionally, we have included decisions that impacted either on "The Professions" or are of a general labor relations concern. In several instances, our sources did not include a complete case citation; for those, we assumed the proper citation to be the name of the plaintiff followed by that of the defendant. Thus, if the fact pattern described a situation whereby a professor was claiming discrimination by the university, we used the name of the individual followed by that of the school in question (i.e. Jones v. State University). Numerical designations and citations were included as available. The information is correct to the best of our knowledge. We apologize for any errors or omissions.

COURT CASES AND ADMINISTRATIVE ORDERS - STATES

COURT CASES - ALABAMA

1079 Dybczak v. Tuskegee Institute (84-898, 53 U.S.L.W. 3460). Reverse discrimination claim by a professor of engineering at Tuskegee rejected by USCCA for the 11th Circuit. Professor claimed that reappointment was denied because he was of the Caucasian race.

1080 Patton v. Thomas (84-1295). USCCA for the 11th Circuit held that faculty member at Alabama State University was not entitled to relief under Section 504 of the Rehabilitation Act of 1973. Plaintiff failed to prove intentional discrimination. USSC refused to hear case.

1081 United States v. State of Alabama (CV-83-C 1676-S). US Dist. Ct. for the Northern Dist. of Alabama held that state was required to formulate desegregate plan for public schools and colleges.

COURT CASES - CALIFORNIA

1082 San Jose Teachers Association v. The Superior Court of Santa Clara County and Abernathy, et al (No. S.F. 24793). California Supreme Court held that teachers who object to paying agency shop fee must first pay entire fee to union prior to adjudication of claim. Court also held that California PERB had original jurisdiction in matter rather than state trial court. Court restated the union's requirements for providing refund and rebate to individuals.

COURT CASES - DISTRICT OF COLUMBIA

1083 Nova University v. Educational Institution Licensure Commission (53 U.S.L.W. 3600). USSC refused to consider decision of lower court which barred Nova University from offering doctoral programs in public affairs in the District of Columbia.

1083a Ollman v. Evans and Novak. USSC refused to hear claim by Ollman against newspaper reporters who allegedly had caused him to lose position as Chairman of Department of Government and Politics at the University of Maryland. Court found that reporter's statement was constitutionally protected expression of opinion and not a factual matter which could be tried in court.

COURT CASES - DISTRICT OF COLUMBIA (cont'd.)

1084 Snyder v. Washington Hospital Center (34 EPD 34,717). US Dist. Ct. (Washington, DC) held employee who did not have knowledge of employer's personnel manual at the time of her discharge cannot claim that said discharge violated provisions of the manual. A breach of contract suit could not be brought unless knowledge of the existence of the manual was established.

1085 Woodlock v. Donovan (35 EPD 34,815). US Dist. Ct. (Washington, DC) held that an employee of U.S. Department of Labor entitled to choice between entering alcoholic treatment program or being subject to discipline prior to termination. Court stated that department was under no obligation to retain employee, however, choice should have been given.

COURT CASES - FLORIDA

1086 Florida State University v. Joshi (54 U.S.L.W. 3178). USSC declined to hear case in which the USCCA for the 11th Circuit held that the university did not refute discrimination claim brought by minority job applicant. Discrimination charge left standing.

1087 Jepsen v. Florida Board of Regents (36 EPD 35,092). USCCA for the 11th Circuit upheld a lower court ruling which had awarded a retroactive promotion to the rank of assistant professor with a make whole remedy as the proper remedy. Lower court found to have discretion in formulating remedy.

1088 Palm Beach Junior College Board of Trustees v. United Faculty of Palm Beach Junior College (No. 63,352). Florida Supreme Court found college engaged in bad faith bargaining in violation of Public Employment Relations Act. Court also held that state PERC had improperly applied statute concerning "impact" bargaining.

1089 United Teachers of Dade County, FEA/United AFT Local 1974, AFL-CIO v. Dade County School Board (85-0169). Florida Circuit Court upheld state master teacher plan conferring merit pay awards to selected individuals. Statutory criteria not in conflict with collective bargaining pursuant to Florida Public Employment Relations Act. No distinction made between merit pay and "wages" for the purposes of bargaining.

COURT CASES - ILLINOIS

1090 Piarowski v. Illinois Community College District 515 (85-610, 54 U.S.L.W. 3284). Decision by Prairie State College to move display of faculty art work to a less conspicuous area after complaints were received that work was sexually explicit and therefore offensive was found not to be a violation of faculty member's First Amendment Rights. USSC refused to review decision of USCCA for the 7th Circuit.

1091 NLRB v. Lewis University (83-2873). USCCA for the 7th Circuit reversed NLRB decision which had found faculty to be managerial in accordance with Yeshiva. Court stated that although "...faculty input is vital, however, does not necessarily render the faculty managerial."

1092 NLRB v. Woodlawn Hospital and Hospital Employees' Labor Program of Metropolitan Chicago (13-CA-13539, 274 NLRB 123). Hospital did not violate NLRA by its refusal to reinstate employees who began strike prior to the effective date of the 1974 Health Care Amendments to the NLRA. Even though employees made unconditional offers to return to work after Amendments went into effect, NLRB held prior action controlling.

COURT CASES - INDIANA

1093 EEOC v. University of Notre Dame (715 F.2d 331). USCCA for the 7th Circuit held that EEOC must first gather evidence and substantiate existence of claim prior to gaining access to University's confidential tenure files.

COURT CASES - LOUISIANA

1094 Don Aguillard v. David C. Treen, Governor. USCCA for the 5th Circuit declares unconstitutional state law requiring that "Creation Science be taught along with the "Theory of Evolution". Court found that this program would promote certain religious beliefs to the exclusion of others.

1095 Gottlieb v. Tulane University. US Dist. Ct. rejected a claim by female faculty member who alleged her discharge was a result of sexual discrimination. University's defense consisted of "overwhelming evidence" and the fact that she was replaced by another female faculty member. Court also noted that a male professor was terminated at the same time as Gottlieb for essentially the same reasons.

COURT CASES - MASSACHUSETTS

1096 Kumar v. Board of Trustees University of Massachusetts. USCCA for the 1st Circuit reversed lower court decision which had granted tenure to a Pakistani professor. Court held that judiciary cannot serve as a "super tenure board" nor can they resolve tenure issues unless illegal motives and/or actions are evident. University did have the right to deny tenure and to establish such standards.

1097 National Association of Government Employees Local R1-162 v. Labor Relations Commission. State Appeals Court held that Massachusetts Civil Service Act cannot be superseded by terms and conditions of collective bargaining agreement. Court also held that employer did not violate state public employees collective bargaining act by establishing a referendum on certain collective bargaining matters.

1098 Walters v. President and Fellows of Harvard College (81-2252-G). US Dist. Ct. rejected claim by former employee that she was subjected to sexual harassment and discrimination and was subsequently discharged because of her complaints.

COURT CASES - MINNESOTA

1099 NLRB v. Nurminco, Inc., a-k-a University Health Care Center (18-CA-8375, 274 NLRB 112). NLRB held that employer violated NLRA when it laid off union members and transferred work to nonunion employees. Employer admitted that reason was due to increased labor costs.

COURT CASES - MISSISSIPPI

1100 Merwine v. Board of Trustees for State Institutions of Higher Learning (84-1889). USSC refused to hear claim that advertising requirement for applicants for library positions at Mississippi State University contained, and were based in part, on sex discrimination.

COURT CASES - NEBRASKA

1101 State Code Agencies Educational Association v. Department of Public Institutions (84-429, 84-588, 84-589, 85-636). The jurisdiction of the Nebraska Commission of Industrial Relations to resolve disputes between agencies within the state and their employees was upheld by the Nebraska Supreme Court. Included in the regulated category were teachers who claimed that they were subject to collective bargaining legislation.

COURT CASES - NEW JERSEY

1102 Gaida v. Rutgers University (84-5498). USCCA for the 3rd Circuit held that University cannot charge mandatory, but refundable, fee to finance the Public Interest Research Group (PIRG).

1103 Roberts v. Rutgers University (85-5414). USCCA for the 3rd Circuit held that Rutgers did not discriminate against graduate student by dismissing him when he failed to meet certain specified academic requirements that were the conditions of his admission. USSC refused to review case.

COURT CASES - NEW YORK

1104 Akerman v. Board of Higher Education of the City of New York (85-108). USSC refuses to hear case in which female professor claimed her First Amendment rights to free speech and freedom of association were abridged when she was denied reappointment with tenure to the City University of New York. Professor claimed that denial was based on the fact that she had previously worked for Radio-Free Europe.

1105 Arlune v. School Board of Nassau County (84-3307). USCCA for the 2nd Circuit held that coverage under the 1973 Rehabilitation Act included contagious diseases (i.e., tuberculosis and AIDS). Each determination must be adjudicated on a case-by-case basis. USSC agreed to hear case on appeal.

1106 Auerbach v. Rettaliata (84-7949). USCCA for the 2nd Circuit reversed a lower court's decision which had denied students certain voter registration rights. Court held that "nothing in the law created a presumption against student residents and as such their independence and right to register at their school address would be based on numerous criteria, including but not limited to, their financial independence, parents' residence, employment address and motor vehicle registration."

1107 Bykofsky v. Hess (85-361). USSC refused to hear case in which administrator at Brooklyn College claimed that he had a property right to renewal of his contract. Administrator claimed that college president promised renewal for at least a two-year period.

1108 Catholic H.S. Assoc. of the Archdiocese of NY v. Edward Culvert, NYS Labor Rels. Bd., Dept. of Labor and Lay Faculty Assoc.. USCCA for the 1st Circuit reversed lower court ruling which had held that Catholic Schools were not subject to the New York Labor Relations Act. The Appellate Court stated that lower court failed to understand the role of the New York Labor Relations Board in the instant dispute.

1109 Gray v. Canisius College. New York State Court of Appeals upheld dismissal of tenured professor at Canisius College. Court found that the 1978 dismissal was for valid grounds and that the claim of sex discrimination was not proven.

COURT CASES - NEW YORK (cont'd.)

1110 NLRB v. Utell International, Inc. (35 EPD 34,827). The use of racial propaganda in a union election campaign did not damage results of election to the extent that employer could refuse to bargain with the union. USCCA for the 2nd Circuit enforced NLRB bargaining order.

1111 Nursing Home and Hospital Employees Union v. Smithtown General Hospital (275 NLRB 45). NLRB held that union violated LMRA when it moved in court to confirm arbitration award which had recognized unit recognition based solely on signed authorization cards.

1112 Parsons School of Design v. Parsons Faculty Federation, NYSUT, AFL-CIO (275 NLRB 18). In another Yeshiva-related matter, the Board held that the college violated the LMRA by their refusal to bargain with the newly certified faculty union. Board found that all questions and issues could have been litigated in prior hearings and that there was no new discovery of evidence.

COURT CASES - OHIO

1113 Collins v. University of Cincinnati (53 U.S.L.W. 3509). In a case involving a claim of an unconstitutional student dismissal, the USSC refused to hear a challenge raised by Collins that his dismissal from the university was violative of his due process rights. The Court of Appeals had previously upheld the University's position and found that the student's dismissal from a pharmacy technicians program was based on academic reasons.

1114 Mulligan v. Ohio State University. The USCCA for the 6th Circuit ruled that Professor Linda Mulligan, a professor of sociology at Ohio State University, had violated the time limits for filing a lawsuit in conjunction with a tenure claim. Professor Mulligan had been tenured at a regional campus within the Ohio State University System and had argued that her tenure should be recognized university-wide. The court found that the statute of limitations for filing such claims had expired and ruled on the procedural rather than the substantive issue of tenure.

COURT CASES - OREGON

1115 East Council Bargaining Council v. Centennial School District (CA A27416). The Oregon Court of Appeals upheld a decision by the Oregon Employment Relations Board concerning a scope of bargaining claim. The Board had held that certain subjects, i.e., evaluation, school calendar, and vacations were within the scope of bargaining and that there was no direct relationship between the scope question and certain amendments to the Oregon Act.

1116 Penk v. Oregon Board of Higher Education. In a class action brought on behalf of 2,000 female workers within the state system, the U. S. District Court in Oregon rejected the use of broad statistics to prove sex discrimination. The women had demanded equal pay, however, the court held that "no pattern or practice of sex discrimination" was found within the state system.

COURT CASES - PENNSYLVANIA

1117 Foering v. Stratton (53 U.S.L.W. 3419). The USSC refused to hear a claim by Professor Joseph Foering of Kutztown State College in Pennsylvania that he was denied tenure in retaliation for his political views. Professor Foering, a member of the Social Science/Philosophy Department, had called for a separate Department of Criminal Justice at the time of his tenure denial in 1982.

1118 EEOC v. Franklin and Marshall College (84-1739). The USCCA for the 3rd Circuit held that Franklin and Marshall College must produce confidential peer review materials involving a disputed tenure claim. The court stated that a professor, who was denied tenure, had rights to the documents even though the university claimed that they were confidential and privileged. In rejecting the claim by the college, the court held that to allow the privilege of confidentiality to continue in cases such as this would allow colleges "to hide evidence of discrimination beyond the wall of secrecy".

1119 Hannemann University v. District 1199 (84-1700). The USCCA for the 3rd Circuit upheld a lower court decision denying the university an injunction prohibiting the union from arbitrating certain grievances. The university claimed that its duty to arbitrate selected issues under the collective agreement was in dispute and should not have been submitted to an arbitrator at that time.

1120 Johnson v. Lincoln University (85-1068). USCCA for the 3rd Circuit held that even though Professor Johnson may have been involved in personal disputes with university officials, his criticism of academic standards was protected under the First Amendment to the United States Constitution.

1121 Kromnick v. School District of the City of Philadelphia (84-606). The USSC refused to review lower court ruling that upheld District's practice of transferring teachers on the basis of race in order to maintain racially balanced faculties. Said plan was voluntary in nature and was not violative of the US Constitution.

COURT CASES - PENNSYLVANIA (cont'd.)

1122 International Brotherhood of Teamsters, Local 115 v. Drexel University (85-3298). United States District Court found that arbitrator's decision to rule on timeliness of grievance submission was properly within the scope of arbitration and, as such, the decision must stand. Court also stated that arbitrators "must be allowed wide flexibility in fashioning a remedy for any contingency which was not envisioned by the agreement".

1123 University of Pittsburgh v. Koinicky (53 U.S.L.W. 3559). In a dispute concerning the state sponsorship of certain universities, the Supreme Court refused to entertain an argument that there was not enough state involvement to allow university employees to file civil rights lawsuits. The Appellate Court had held that since the university received state funding and that one-third of the trustees were named by the state that such a state-sponsored relationship existed.

COURT CASES - PUERTO RICO

1124 Universidad Central de Bayamon v. NLRB (85-1074). USCCA for the 1st Circuit found that the NLRB's jurisdiction over the religiously affiliated university did not create an intrusion between the separation of church and state. Court found that the university is "distinctly different from religious elementary or secondary schools...and that there is no significant risk of government's entanglement with religion". Once the jurisdictional issue was resolved, court subsequently ruled on pending Yeshiva claim.

COURT CASES - SOUTH DAKOTA

1125 Rapid City Education Assn. v. School District (145522). The South Dakota Supreme Court held that certain subjects of bargaining were not mandatory under the state statute and that a union proposal for "weighted student contracts" was nonmandatory. The court stated that "...such proposal significantly impinges on exercise of school district's inherent management prerogatives concerning determination of school policy".

COURT CASES - TENNESSEE

1126 Gilbert v. University of Tennessee (53 U.S.L.W. 3671). Lacking a substantial federal question, the USSC refused to hear a case questioning the right of the university chancellor to reverse the findings of a hearing officer in an administrative matter. The hearing officer had recommended that Gilbert not be fired, however, the chancellor ordered termination based on the record. The chancellor, acting as a department head pursuant to the Tennessee Uniform Procedure Act, has the legal authority to reverse such findings.

1127 Nicks v. Ford (53 U.S.L.W. 3541). USSC refused to reverse a decision of the USCCA for the 6th Circuit instructing Middle Tennessee University to rehire William Ford. Professor Ford had contended that he had been fired for job bias and other reasons of discrimination, however, was ordered reinstated by the Appellate division.

COURT CASES - TEXAS

1128 Baylor University Medical Center v. United States (53 U.S.L.W. 3422). USSC refused to hear appeal by Baylor University questioning coverage under federal handicap law if hospitals are recipients of medical care or medicaid funds. USCCA for the 5th Circuit had ruled that since the university received such funds, they must comply with the law.

1129 Texas A&M v. Gay Student Services (53 U.S.L.W. 3490). USSC refused to hear a claim by Texas A&M that it had not violated the First Amendment rights of the Gay Student Services. The USCCA for the 5th Circuit had found the university to have violated the First Amendment rights of the student organization.

COURT CASES - VERMONT

1130 Lewandoski v. Vermont State Colleges (52-81). Vermont Supreme Court held that Vermont Labor Relations Board had jurisdiction over certain claims within the state college system. The court stated that the Board properly had the authority to dismiss a claim by a professor concerning an alleged wrongful denial of tenure.

COURT CASES - WASHINGTON

1131 AFSCME v. State of Washington (84-3590). USCCA for the 9th Circuit reversed ruling of lower court that State of Washington, by its various compensation plans, had violated Title VII of the 1964 Civil Rights Act. The court, in a unanimous decision, held that "neither law nor logic deems the free market system a suspect enterprise". The union had unsuccessfully argued that the Washington State Compensation Plan was violative of comparable worth and, as such, relief was warranted. The State of Washington, which had previously been under court order to correct certain disparities in pay, agreed to correct certain salary inequities pursuant to the legislative process.

1132 Bates v. Pacific Maritime Association (35 EPD 34,703). USCCA for the 9th Circuit held that a successor employer was bound by the affirmative action hiring obligations entered into in a consent decree by its predecessor. As long as there was a continuity in the operations of the work force, then the liability was properly carried forward.

COURT CASES - WISCONSIN

1133 Namenwrith v. Board of Regents of the University of Wisconsin System. USCCA rejected a sex discrimination claim submitted by a female professor. Court found that the denial of tenure did not violate Title VII of the Civil Rights Act and that faculty decisions "are entitled to substantial differences".

UNITED STATES SUPREME COURT DECISIONS

1134 Aguilar v. Felton (53 U.S.L.W. 5013). USSC held that New York City's Chapter One program, which assigns public school teachers to parochial schools for the purpose of offering remedial instruction, is violative of the First Amendment. Court held that such a program was "excessive government entanglement with religion".

1135 Alexander v. Choate (53 U.S.L.W. 4072). Court found that Section 504 of the 1973 Rehabilitation Act bars certain unintentional, as well as intentional discrimination against handicapped persons but stated that law does not cover each unintentional bias.

1136 Bender v. Williamsport Area School District (53 U.S.L.W. 3491). Court agreed to hear case in which Pennsylvania religious group claims that the Constitution entitles it to meet, pray, and discuss scriptures during school hours.

1137 Bennett v. Kentucky (53 U.S.L.W. 4332). Court found that Kentucky violated Title I of the U.S. Education Act when it used funds for classes for the disadvantaged that, in essence, replaced previously funded state and local services.

1138 Bennett v. New Jersey (83-2064). USSC held that substantive standards of the 1978 Amendments to Title I, which replaced certain eligibility requirements, do not apply retroactively in determining if certain funds were misused under previous grant.

1139 Board of Education of the City of Oklahoma v. National Gay Task Force (53 U.S.L.W. 3544). Supreme Court upheld the USCCA's ruling that barred Oklahoma schools from firing and/or disciplining teachers who publicly advocate homosexual activities. The USCCA for the 10th Circuit had previously ruled that the state clearly could authorize such disciplinary actions.

1140 Burlington School Committee v. Department of Education (53 U.S.L.W. 4509). Parents who unilaterally place their handicapped children in private schools are entitled to tuition reimbursement if placement is ultimately deemed proper.

1141 Chicago Teachers Union Local No. 1 v. Hudson (53 U.S.L.W. 3763). The USSC agreed to review an agency shop case where a fee-payer, who is a nonunion member, challenged the Chicago Teachers Union reimbursement procedure. The USCCA for the 7th Circuit had stated that the refund policy failed to assure that the fees paid would be used to support only union activites related to contract negotiations.

1142 CIA v. Sims (53 U.S.L.W. 3043). Supreme Court held that the CIA can legally withhold names and institutional affiliation of researchers working on government intelligence reports.

1143 Cleveland Board of Education v. Loudermill (53 U.S.L.W. 4306). USSC held that an Ohio statute that granted tenured public employees the right to challenge terminations in a post-termination hearing but afforded no such right prior to discharge violated the Fourteenth Amendment. The court stressed the need for a pre-termination hearing although it acknowledged the state could place procedural limits on its application.

1144 Connolly v. Burt (54 U.S.L.W. 3232). The court agreed to hear a claim involving an alleged defamation of character by a professor who had completed a reference for a former student. Connolly, Department Chairman at the University of Nebraska College of Medicine, had recommended that his former student, Burt, not be accepted by a Colorado hospital. Burt sued charging defamation under Colorado law. His claim was denied in Federal District Court but was upheld by the USCCA for the 10th Circuit.

1145 Garcia v. San Antonio Metropolitan Transit Authority (53 U.S.L.W. 4135). The USSC, in reversing National League of Cities v. Usery, reaffirmed Congress' power to regulate minimum wages and hours for public employees. The court held that the provisions of the Fair Labor Standards Act were appliable to public employers and that exemption would no longer control.

1146 Grand Rapids v. Ball (53 U.S.L.W. 5006). USSC held that a shared time program that assigned public school teachers to teach remedial classes to children in religious schools was unconstitutional.

1147 Harper and Row v. Nation Enterprises (53 U.S.L.W. 3039). The court reversed a lower court finding and held that the Nation magazine violated the Copyright Revision Act of 1976 when it printed portions of President Ford's unpublished memoirs. Court stated that material was not exempt under the provisions of the public interest and was protected.

1148 Johnson v. Pennsylvania State University (53 U.S.L.W. 3809). The USSC upheld a Pennsylvania State University rule that prohibited students from conducting "commercial sale demonstrations and parties" in their dormitory rooms.

1149 Luperd v. California State Bar Association (54 U.S.L.W. 3154). USSC let stand decision of the USCCA for the 9th Circuit that required graduates of unaccredited law schools to pass a "baby bar" exam before they were eligible to take the regular bar. Luperd claimed that such a requirement was unconstitutional and discriminated between students of accredited and unaccredited law schools.

1150 Mayfield v. Auburn University (53 U.S.L.W. 3845). USSC let stand a decision of lower court which held that temporary employees at a college or university had no reason to expect tenure even if employed for more than seven years. Mayfield had taught for eleven years without receiving tenure and claimed denial of certain due process rights. Court held that a presumption of tenure did not exist.

1151 McLaurin v. Syracuse University. USCCA for the 2nd Circuit held, and the USSC agreed, that McLaurin did not have a claim of discrimination and conspiracy against Syracuse University, a private institution, which denied him admission.

1152 Memphis Community Schools v. Stachura (54 U.S.L.W. 3170). Supreme Court agreed to hear appeal by school district contesting compensatory damages awarded a discharged teacher for violation of certain rights.

1153 New Jersey v. T.L.O. (53 U.S.L.W. 4083). Supreme Court ruled that public school officials, who act reasonably, can search school children without warrants or "probable cause" required in criminal proceedings.

1154 NLRB v. Financial Institution Employees of America (53 U.S.L.W. 3807). USSC is considering review of case in which union that excludes nonmembers from vote can keep its status as exclusive bargaining agent representative.

1155 Ohio Civil Rights Commission v. Dayton Christian Schools (85-488). USSC agrees to hear case in which teacher was fired after becoming pregnant even though she wanted to continue to teach. The Dayton Christian Schools, and the church with which it is affiliated, believe that mother should stay home with children up until the child is of kindergarten age.

1156 Regents of University of Michigan v. Scott E. Ewing (84-1273). Ewing was dismissed from the university after failing a written examination. The Supreme Court, in a unanimous decision, stated that "when judges are asked to review the substance of a genuinely academic decision, they should show great respect for the faculty's professional judgment". As a result, court held that they were not the body best "suited to evaluate the substance of the multitude of academic decisions" and denied Ewing's claim.

1157 Robinson v. New Jersey (53 U.S.L.W. 3485). In another agency fee case, the faculty members at Rutgers University lost in their attempt to invalidate a state law requiring public employees to finance certain lobbying activities of their union. Court held that the union rebate procedure for agency fee dues payers adequately protected them and that a separate hearing on this issue was not warranted.

1158 Springfield Township v. Knoll (53 U.S.L.W. 3042). Knoll claimed that she was denied promotion to an administrative position because of the fact she is a woman and therefore, the victim of unlawful discrimination. USSC held that Knoll's petition was filed untimely and that alleged victims of employment bias must initiate their actions within six months in order to preserve their standings for federal civil rights suits.

1159 Ulane v. Eastern Airlines (84-1328). USSC refused to review decision of Appellate Court that transsexuals are not protected under Title VII of the Civil Rights Act when claiming alleged sex discrimination. Ulane, a pilot for twelve years, underwent sex reassignment surgery in order to become a female and was subsequently fired.

1160 University of Tennessee v. Elliot (54 U.S.L.W. 3272). USSC agrees to hear alleged racial discrimination complaint by black employee of University's Agricultural Extension division. Case involves jurisdictional question between state administrative agencies and federal courts to litigate discrimination complaints.

1161 Wallace v. Jaffree (53 U.S.L.W. 4665). The USSC upheld an Alabama statute that allowed for a moment of silent meditation. However, court stated that silent prayer itself would be deemed unconstitutional.

1162 Wayte v. U. S. (53 U.S.L.W. 4319). USSC upheld position of Justice Department of prosecuting only "visible, politically outspoken, nondraft registrants". Said policy did not violate First Amendment or Fifth Amendment as selective enforcement and was deemed constitutional.

1163 White v. Dougherty County Board of Education (83-1868). USSC upheld a Federal Appeals Court decision that Georgia School Board properly denied a school administrator unpaid leave of absence to serve in the State legislature.

PART IV

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PART VI

ACRONYMS AND ABBREVIATIONS

ACRONYMS AND ABBREVIATIONS

AAA - American Arbitration Association
AAHE - American Association for Higher Education
AAJC - American Association of Junior Colleges
AARN - Alberta Association of Registered Nurses
AAUP - American Association of University Professors
ABA - American Bar Association
ACE - American Council on Education
ACRL - Association of College & Research Libraries
AFGE - American Federation of Government Employees
AFL-CIO - American Federation of Labor-Congress of Industrial Organizations
AFSCME - American Federation of State, County and Municipal Employees
AFT - American Federation of Teachers
AGB - American Governing Board of Colleges and Universities
AHA - American Hospital Association
ALA - American Library Association
ALMA - Association of Labor Mediation Agencies
AMA - American Management Association
ANA - American Nurses Association
AORN - Association of Operating Room Nurses
ARL - Association of Research Libraries
AUCC - Association of Universities and Colleges of Canada
BCTF - British Columbia Teachers Federation
BLS - Bureau of Labor Statistics
BNA - Bureau of National Affairs
CAUT - Canadian Association of University Teachers
CCHE - Carnegie Commission on Higher Education
CPI - Consumer Price Index
CSC - Civil Service Commission
ECS - Education Commission of the States
EEOC - Equal Employment Opportunity Commission
ERB - Employment Relations Board (Preceded by state's initials)
ERIC - Educational Resource Information Center
FEP - Fair Employment Practice
FLRC - Federal Labor Relations Council
FMCS - Federal Mediation and Conciliation Service
GERR - Government Employee Relations Report
LA - Labor Arbitration and Dispute Settlements (BNA)
LAIRS - Labor Agreement Information Retrieval System (CSC)
LMRA - Labor Management Relations Act
LMRS - Labor Management Relations Service
LRR - Labor Relations Reporter (BNA)
NAA - National Academy of Arbitrators
NACUA - National Association of College and University Attorneys
NACUBO - National Association of College and University Business Officers
NBER - National Bureau of Economic Research
NCAA - National Collegiate Athletic Association
NCSCBHEP - National Center for the Study of Collective Bargaining in Higher Education and the Professions
NEA - National Education Association
NLRA - National Labor Relations Act
NLRB - National Labor Relations Board
OER - Office of Employee Relations
OFCC - Office of Federal Contract Compliance
OPEIU - Office and Professional Employees International Union
OSHA - Occupational Safety and Health Administration
PERB - Public Employment Relations Board
PERC - Public Employment Relations Commission
SFLRP - Society of Federal Labor Relations Professionals
SPIDR - Society of Professionals in Dispute Resolution
UFCT - United Federation of College Teachers
UFT - United Federation of Teachers

NATIONAL CENTER FOR THE STUDY OF COLLECTIVE BARGAINING IN HIGHER EDUCATION AND THE PROFESSIONS

PUBLICATIONS, 1973 - 1986

The publications of the National Center have proved to be of invaluable assistance to researchers and practitioners in the field of higher education collective bargaining for up-to-date analysis of developments in the field, as well as for historical content. In addition to the Directory of Faculty Contracts and Bargaining Agents, the Center issues the following publications:

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